



***Town of Tyngsborough
Conservation Commission***

25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext. 116
Fax: (978) 649-2301

Minutes
October 28, 2014
APPROVED

Present:

BM: Brian Martin **PM:** Pat Mical **LB:** Linda Bown **ES:** Ed Smith **JK:** Jeff Kablik
MM: Matt Marro

Absent:

LG: Lucy Gertz **JE:** Jerry Earl

Attachments:

1. Agenda
2. 113 Mascuppic Trail RDA Filing – 8/18/14
3. Phase 1 West Sewer Expansion Revised Plans – 10/24/14
4. 10 Cedar Lane NOI Plan – 10/7/14
5. LandTech: 186 Frost Rd.; Red Pine Terrace Request for Insignificant Plan Change – 10/23/14
6. 4 Birch St. Pictometry Photo (10/28/14) & Plot Plan (10/15/14)
7. NRCS Report: Parlee Farm Irrigation Pond Expansion – 4/4/14
8. U.S. v. Charles George Consent Decree

7:00pm BM opened meeting

7:02pm **113 Mascuppic Trail (M31A, P34, L0) – Request for Determination of Applicability** for the construction of a 10' x 12' deck within 80' of Lake Mascuppic.

JK: Motion to waive the reading of the legal notice and abutters list.

ES: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 2

Passes: 5-0-2

Homeowner George Bousios appeared before the Commission and explained that he wishes to build a 10' x 12' deck off the back of his house. The proposed work is within the 100 ft. buffer zone. MM reported that the project will not impact the resource area and recommended a negative determination. There were no abutters present to speak for or against this project.

LB: Motion to close the public portion of the hearing

ES: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 2

Passes: 5-0-2

LB: Motion to issue a Negative Determination for 113 Mascuppic Trail for the construction of a 10' x 12' deck and future gazebo.

ES: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 2

7:10pm **Phase 1 West Sewer Expansion Project (Portions of the following: Farwell Rd., Flint Pond Rd., Flint Rd., Kendall Rd., Middlesex Rd., Old Tyng Rd., Upton Dr., Westford Rd., Winslow Rd.) – Tyngsborough Sewer Commission Notice of Intent, DEP# 309-0879** for the expansion of the Tyngsborough municipal sewer system of approximately 19,000 linear ft. of gravity sewer forcemain, 2 sewer pump stations, and capacity upgrades to the existing Bridgeview sewer pump station. Continued from 10/14/14.

BM reported that he received a ruling from the State Ethics Commission that said he is not disqualified from voting on this matter. Therefore, BM will be a voting member of the Commission regarding this hearing. LB disclosed that she is a direct abutter of this project and is recusing herself from this hearing.

Woodard & Curran engineer Jack Troidl appeared before the Commission for the Tyngsborough Sewer Commission. Mr. Troidl noted that pages C114, C117 to C120, and C506 were revised to reflect revisions made to the total area of wetland disturbance, which is as follows: Bordering vegetated wetland area of disturbance from 7,300 s.f. to 4,700 s.f. There were no abutters present to speak for or against this project.

ES: Motion to close this hearing.

JK: 2nd the motion

In Favor: 4 Opposed: 0 Abstain: 1 Absent: 2

Passes: 4-0-1-2

JK: Motion to issue a Standard Order of Conditions for Phase 1 West Sewer Expansion Project (Portions of the following: Farwell Rd., Flint Pond Rd., Flint Rd., Kendall Rd., Middlesex Rd., Old Tyng Rd., Upton Dr., Westford Rd., Winslow Rd.) per plans dated 9/9/14; with plan pages C114, C117 to C120, and C506 dated 10/23/14.

ES: 2nd the motion

In Favor: 3 Opposed: 1 Abstain: 1 Absent: 2

Does Not Pass: 3-1-1-2

7:25pm **10 Cedar Lane (M26, P144, L0) – Notice of Intent**, to remove 6 feet of retaining wall, dead tree & brush debris; and to install a removable dock within a resource area (Lake Mascuppic). Continued from 10/14/14.

Engineer Steve Eriksen appeared before the Commission for the homeowner. Mr. Eriksen submitted revised plans that detailed an addition that would be 43.5', and a deck that would be 39' from the resource area. 6 ½ feet of the addition would be in the 50' no structure zone. MM indicated that the impact to the resource area would not be any more than it already is. In addition, a re-planting scheme is proposed that would re-establish the area in short order. There were no abutters present to speak for or against the project.

LB: Motion to close this hearing.

ES: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 2

Passed: 5-0-2

ES: Motion to issue a Standard Order of Conditions for 10 Cedar Lane for a 15' x 20' addition, deck and removable dock on plans dated 10/7/14.

JK: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 2

Passed: 5-0-2

7:50pm 186 Frost Rd.; Red Pine Terrace (M18, P46, L0) – Request for insignificant plan change on an existing Order of Conditions, DEP# 309-0871.

MM reported that they are proposing to move the access driveway farther out of the buffer zone which would decrease the impervious surface by 200 s.f. and therefore be less impactful on the resource area.

JK: Motion to approve a field change to the plans for an existing Order of Conditions for 186 Frost Rd., DEP# 309-0871, per plans and narrative dated 10/23/14.

ES: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 2

Passes: 5-0-2

Director's Determination

4 Birch St. – Raze and re-build single family dwelling.

MM reported that the existing dwelling is just out of the buffer zone. The new home will be built well away from the resource area.

JK: Motion to approve the Director's Determination for 4 Birch St.

ES: 2nd the motion

In Favor: 5 Opposed: 0 Absent: 2

Passes: 5-0-2

Director's Reports

Agricultural Plan for Parlee Farm Pond Expansion

Mark Parlee appeared before the Commission to explain that his farm needs to expand its irrigation system and will be utilizing the existing pond. MM reported that the USDA has already approved the plan, and since agriculture is exempt from the WPA and local bylaws, they are exempt from filing an NOI with the Commission.

Discussion:

- Charles George Consent Judgment Land Conveyance – Atty. Michael Rubin

Atty. Ann Sobolewski appeared before the Commission to explain that as part of the Federal judgment against Charles George, a Consent Decree was issued that compels Charles George to convey a clean parcel of land to the Town or impose a Conservation Restriction on that same parcel. The Conservation Restriction would be held in perpetuity and could not be removed. Advisor to the Charles George family, Bob Eisenberg, noted that the parcel of land is not part of the contaminated area. In preliminary discussions with Assistant Town Administrator Nina Nazarian, MM reported that she was inclined to defer to the Conservation Commission's decision. The Commission felt that Town Counsel and the Board of Selectmen should render an opinion on the matter before taking any action.

- Shady Glade Trail Work Proposal – Jim Corrigan: Mr. Corrigan could not attend tonight's meeting; however, MM has been in contact with him and will update the Commission at a future meeting.
- Sherburne Nature Center/Trails Committee Report – MM reported that the Cub Scouts have reached out to him to schedule a tour of the nature center and the surrounding grounds.

Administrative:

1. Minutes

ES: Motion to approve the minutes as written for August 26, 2014, September 23, 2014, and October 14, 2014.

LB: 2nd the motion

In Favor: 5 **Opposed:** 0 **Absent:** 2

Passes: 5-0-2

8:25pm

ES: Motion to adjourn

LB: 2nd the motion

In Favor: 5 **Opposed:** 0 **Absent:** 2

Passes: 5-0-2

Respectfully for the Conservation Commission,

Pamela Berman
Administrative Assistant